

**REGULAR TOWN BOARD MEETING**

**MARCH 8, 2011**

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 7:00 P.M. on March 8, 2011, at the Conklin Town Hall. Mrs. Preston, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

<b>PRESENT:</b>	Town Board Members	Bullock, Minoia, Francisco, Finch, Preston
	Town Counsel	Cheryl Sacco
	Town Clerk	Sherrie L. Jacobs
	Highway Superintendent	Patrick Latting
	Assistant to Supervisor	Lisa Houston
	Code Officer	Robert Jones
	Water & Sewer Superintendent/ Parks Superintendent	Tom Delamarter
	Dog Control Officer	Darlene Weidman
	Zoning Board of Appeals	Hal Cole
<b>GUESTS:</b>	<b>Country Courier</b>	Elizabeth Einstein
	Broome Co. Legislature	Julie Lewis
		Dolly Stout
		Joe Bartosik
		Laurie Francisco
		Peter J. Motsavage

**MINUTES: FEBRUARY 22, 2011 REGULAR TOWN BOARD MEETING**

Mr. Francisco moved to approve the February 22, 2011 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

**CORRESPONDENCE:**

Supervisor Preston acknowledged receipt of correspondence from the Town Clerk, the Highway Superintendent, the Water and Sewer Superintendent, the Code Officer, and from the Dog Control Officer. She also acknowledged receipt of correspondence from Robert Niederriter, owner of the Buffalo Head Bar and Grill, applying for an on premise liquor license.

**ABC APPLICATION/BUFFALO HEAD BAR & GRILL/NO OPPOSITION LIQUOR LICENSE**

Supervisor Preston acknowledged receipt of correspondence from Robert Niederriter, owner of the Buffalo Head Bar and Grill, applying for an on premise liquor license to sell alcoholic beverages in accordance with Section 109 of the Alcoholic Beverage Control (ABC) Laws.

No opposition was voiced.

**CONTINUATION/PUBLIC HEARING/11 CLEARVIEW AVENUE**

Supervisor Preston stated that clean-up of the property located at 11 Clearview Avenue is almost complete, having been slowed by the recent inclement weather. A decision regarding the Town's involvement with clean-up of this property will be made at the April 26, 2011 Town Board meeting.

**RESO 2011-47: CLOSE PUBLIC HEARING/DEMOLITION OF UNSAFE STRUCTURE/11 CLEARVIEW AVENUE**

Mr. Bullock moved for the following resolution:

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Be It Resolved: that the Town Board of the Town of Conklin closes the Public Hearing regarding the demolition of unsafe structure and clean-up of property located at 11 Clearview Avenue, with a decision regarding the Town's involvement in this clean-up to be made at the April 26, 2011 Town Board meeting.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

**CONTINUATION OF PUBLIC HEARING/66-68 STILLWATER ROAD**

Supervisor Preston stated that Code Officer Robert Jones reported that a neighbor of the property owner, a Mr. Doug Nelson, is helping the property owner clean up the property but needs more time because of the weather. Code Officer Jones supports giving Mr. Nelson more time for the clean-up effort. A decision regarding the Town's involvement with clean-up of this property will be made at the April 26, 2011 Town Board meeting.

**RESO 2011-48: CLOSE PUBLIC HEARING/DEMOLITION OF UNSAFE STRUCTURE/66-68 STILLWATER ROAD**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin closes the Public Hearing regarding the demolition of unsafe structure and clean-up of property located at 66-68 Stillwater Road, with a decision regarding the Town's involvement in this clean-up to be made at the April 26, 2011 Town Board meeting.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

**PUBLIC COMMENTS:**

None.

**REPORT: HIGHWAY DEPARTMENT**

In addition to his written report, Highway Superintendent Patrick Latting stated that his crew did a "great job" cleaning up after the snowstorm Sunday night. He added that the wear and tear on the equipment has made truck maintenance an ongoing project. Mr. Latting stated that there are worries ahead, with the predicted snow melt, ice, and high water. Supervisor Preston thanked Mr. Latting and his crew for their hard work, adding that Broome County hadn't plowed yet.

Supervisor Preston stated that Nannis, of Stewart Road, left a voicemail for Mr. Latting telling him that he had a certain amount of time to "take care of the road," meaning the service road to the Town water tank, which turns into Nannis' driveway. Research conducted last summer determined that Broome County owns the access road. Mr. Minoia stated that when he was Highway Superintendent, his crew only plowed to the gate to the water tower.

Mr. Latting stated that one maintenance issue he is facing is algae in the diesel fuel, which he stated is extensive and necessitates frequent changes of fuel filters. In answer to a question from the Town Board, Mr. Latting stated that he buys a 50-50 blended mix on New York State bid. He added that the Town of Kirkwood is experiencing similar problems. Mr. Minoia stated that samples from the delivery truck are needed. Attorney Cheryl Sacco stated that she has a customer service telephone number for problems with purchases made on state bid.

Mr. Latting stated that someone illegally dumped trash and furniture in the Town's right-of-way on Woodside Avenue at the site of Mr. Storti's shale pit on March 2. He added that he called the

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Sheriff's Department to lodge a complaint and the Town Highway Department cleaned up the debris.

Mr. Latting reported that his department is dealing with complaints about sinkholes in roads town-wide, not just on roads flooded during the 2006 Flood, as had been previously thought. He stated that he called NYSEG (New York State Electric and Gas Corporation) regarding a large sinkhole on Grandview Avenue, with concern for underground utilities, and NYSEG tested the underground utilities and agreed to test them weekly. Mr. Latting stated that trees have been another Town-wide issue, which he is addressing with Attorney Sacco.

Mr. Latting stated that he received confirmation that Broome County Landfill will waive the tipping fees on tires for the annual spring clean-up days.

**RESO 2011-49: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/WHITE GOODS & BRUSH PICK-UP/APRIL 25 - MAY 6, 2011**

Mr. Finch moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for white goods and brush pick-up for the period April 25 through May 6, 2011.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston - Yes. Motion passed unanimously.

**RESO 2011-50: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/TIRE DROP-OFF/APRIL 25 – MAY 20, 2011**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for tire drop-off at the Town Highway Garage for the period April 25 through May 20, 2011.

Seconded by Mr. Minoia.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

Mr. Latting stated that he will set up a delivery date to take the collected tires to the Broome County Landfill in early June.

Mr. Bullock asked how much more clearing will be done on River Boulevard and Mr. Latting explained that his department is clearing trees in the Town's right-of-way on the inside of the "horseshoe," where he stated the trees are "choking" the roadway, causing it to deteriorate.

**REPORT: WATER & SEWER DEPARTMENT**

In addition to his written report, Water and Sewer Superintendent Tom Delamarter reported that the water meters have been read and the quarterly bills mailed. He stated that a motor burned out in a pump in Sewer 3, adding that it hopefully will be repaired this week, and the junction boxes will be removed from the "pit," which is a confined space. Mr. Francisco asked if there are circuit breakers or in-line fuses in the system and Supervisor Preston stated that this option will be researched.

Mr. Bullock asked if the Town's snow blower has been used this winter, adding that it needs to be run and serviced. Mr. Delamarter stated that the snow blower has been used and maintained.

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**REPORT: CODE OFFICER**

In addition to his written report, Code Officer Robert Jones reported that he has been working on fire and safety inspections, adding that he will be inspecting all Town of Conklin businesses this year.

Mr. Finch asked about a pump station being installed at the Wayne's Welding site on Powers Road and Mr. Jones replied that Wayne's Welding is installing a propane fill station for propane tanks.

Mr. Minoia asked about 560 Conklin Road, site of the former City Line Garage, noting that it is being "actively used" while no vehicles are allowed to be stored or repaired at that site. He added that the people using the property are working nights and weekends, when Mr. Jones is not available to check on the property. Mr. Minoia asked, "Who will pay the taxes? Has anyone ever paid taxes?" Attorney Cheryl Sacco explained that CP Rail owns the property and pays taxes on the property, however, the building in question is not part of the assessment. She added that the people using the building claim to have a lease agreement with the railroad company, but have yet to be able to produce any documentation of a lease agreement. Ms. Sacco stated that she could talk to railroad company representatives about the possibility that the people claiming to have a lease agreement are actually squatters on the railroad company's property.

Attorney Sacco stated that Town Assessor John McDonald explained to her that the assessments of railroads are made at the state level, making it difficult to get changes enacted. He stated that there is no control over assessments of railroads at the Town level. Mr. Minoia asked, "Who polices this?" Attorney Sacco stated that the Town Assessor could report it, and the railroad company should report it to New York State. She stated that she will draft a "cease and desist" letter to send to the people using 560 Conklin Road, and will talk to Mr. McDonald about notifying New York State of the situation. She will also contact the railroad company. Mr. Minoia commented that the Town Planning Board recently approved a car lot at the site of the former Slater's Flowers for this same group of people that are using the building at 560 Conklin Road, yet no cars are being stored at the approved site.

**REPORT: DOG CONTROL OFFICER**

Refer to written report.

**REPORT: TOWN CLERK**

Refer to written report.

(Copies of all written reports are available for public inspection in the office of the Town Clerk during normal business hours.)

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**RESO 2011-51: AUTHORIZE ADVERTISEMENT/COUNTRY**  
**COURIER/LIFEGUARDS FOR 2011 SEASON**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for lifeguards for the Town Pool for the 2011 season.

Seconded by Mr. Finch.

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VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

Supervisor Preston stated that the lifeguards will not be receiving raises in pay this year.

**RESO 2011-52: AUTHORIZE ADVERTISEMENT/COUNTRY COURIER/RENTAL OF PARK PAVILIONS & RENTAL FEE SCHEDULE/2011 SEASON**

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes advertisement in the **Country Courier** for rental of the Park Pavilions and the rental fee schedule for the 2011 season.

Seconded by Mr. Finch.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

Supervisor Preston asked Mr. Delamarter to evaluate the current pool fees to see if he feels there needs to be an increase for the 2011 season. This issue will be discussed at the March 22 Town Board meeting.

**RESO 2011-53: RATIFY PAYMENT/DEBRA PRESTON/MILEAGE REIMBURSEMENT/FEBRUARY 8-17, 2011**

Mr. Bullock moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin ratifies payment of check #2247, account code A1220.4, in the amount of \$69.87 to Debra Preston for mileage reimbursement for February 8 through February 17, 2011.

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Abstain. Motion carried: 4 – Yes, 1 – Abstain.

**RESO 2011-54: AUTHORIZE PAYMENT/BILL LIST/\$186,044.50**

Mr. Minoia moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin authorizes payment of the following Bill List in the total amount of \$186,044.50:

General	\$ 69,782.05
Highway	108,783.27
Light Districts	1,761.72
Sewer District	1,670.16
Water District	<u>4,047.30</u>
<b>Total</b>	<b><u>\$186,044.50</u></b>

Seconded by Mr. Francisco.

VOTE: Bullock – Yes, Minoia – Yes, Francisco – Yes, Finch – Yes, Preston – Yes. Motion passed unanimously.

**986 CONKLIN ROAD**

Supervisor Preston stated that Gorick Construction has obtained a demolition permit from Code Officer Jones for the clean-up of the property located at 986 Conklin Road, and is awaiting better weather to begin the clean-up.

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**APPRAISAL/PROPERTY ACROSS CONKLIN ROAD FROM TOWN HALL**

Supervisor Preston stated that the appraiser arrived at the Town Hall on March 8, 2011, to appraise the Town-owned property located across Conklin Road from the Town Hall, but was unable to walk the property because of the excessive snow storm the preceding day. She stated that the appraisal will be ready for discussion at the March 22 Town Board meeting. Supervisor Preston stated that any deed would carry restrictions prohibiting businesses or buildings, and allowing the Town to hold any mineral rights for the property. She stated that such deed restrictions would carry over from owner to owner.

**BROOME COUNTY LEGISLATOR/JULIE LEWIS**

Broome County Legislator, 6<sup>th</sup> District, Julie Lewis commented that “there is not much to report,” adding that the Legislature is interviewing Patrick Brennan to take over the position of County Executive, soon to be vacated by Barbara Fiala as she assumes the office of Commissioner of the New York State Department of Motor Vehicles. Supervisor Preston asked when the decision would be made regarding Mrs. Fiala’s replacement and Ms. Lewis replied that the decision could be made next week.

Ms. Lewis stated that the Legislature continues to discuss redistricting of election districts. She stated that initial 2010 Census figures show the population of Broome County declining by 4.3%.

Mr. Bullock stated that Broome County has done a “bad job” of plowing County-owned roads in the Town of Conklin. Supervisor Preston asked, “Where was the County when the Town of Conklin plows got stuck on unplowed County roads?” Mr. Bullock, concerned about emergency vehicles being able to drive on snow-covered roadways, stated, “The County’s playing games” with people’s lives. Ms. Lewis will take these concerns back to the Broome County Legislature. Mr. Minoia stated that traffic was stalled when a tractor-trailer could not get up the hill on Corporate Drive. Supervisor Preston stated that the Town will submit a bill to the County if Town trucks keep being required to plow County-owned roads in order to ensure the safety of the residents.

Mr. Francisco asked about the sales tax agreement. Supervisor Preston stated that it has changed several times, last set in 2009 for the period 2010-2011. She explained that the current agreement between the County and the Town states that if there is an increase in sales tax, the Town will get only .2% of the increase. Supervisor Preston explained that the Town of Union is asking for the 2009 agreement to be repealed, with a return to a 50-50 split of sales tax revenue between the County and the municipalities. Broome County has indicated that it is not willing to repeal the 2009 agreement, stating that the increased share of revenue pays for unfunded mandates. Supervisor Preston stated that these unfunded mandates originate at the State level and are passed down to Broome County, then to the Town of Conklin, and ultimately to the taxpayers. She favors repealing the 2009 agreement. The agreement will be discussed again in 2012. Supervisor Preston stated that there is a \$12 million budget gap in the 2011 Broome County Budget, with some estimates stating it to be as high as \$20 million.

Supervisor Preston thanked Legislator Lewis, stating that she is doing a “good job,” and adding that it is “not easy.”

**NEW OWNERS OF IMPRESS USA**

Mr. Bullock asked the name of the new owners of Impress USA, and Code Officer Jones stated that the new owner is an Irish company called Ardaugh.

**COMPLIMENTS TO THE HIGHWAY DEPARTMENT**

Mr. Finch complimented the Town Highway Department for its “great job” in dealing with the March 6-7, 2011 snow storm.

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There being no further business to come before the Board, Mr. Minoia moved for adjournment, seconded by Mr. Francisco.

The meeting adjourned at 7:58 P.M.

Respectfully submitted,

Sherrie L. Jacobs  
Town Clerk